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Libya

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I. Introduction: Situation and methodology

1. The year 2011 saw the outbreak of the 17 February revolution, which responded to the legitimate aspiration of the Libyan people to free itself from the oppressive measures that had been enacted by the former regime in over 40 years of rule. Marginalization and corruption had prevented the Libyan people from enjoying its assets and economic resources or building solid State institutions in a range of areas, including education, health and housing. That situation had affected wide sections of the Libyan people in the enjoyment of their economic, social and cultural rights.

2. The former regime committed grave violations of civil and political rights. It used repressive methods, eliminated political dissidents, suppressed freedom of opinion, stifled political pluralism and replaced the concept of citizenship with that of allegiance to the regime. One of its most prominent crimes was the so-called Abu Salim Prison massacre of 1996, in which over 1,270 prisoners were killed. The memory of the massacre played a significant part in precipitating the 17 February 2011 revolution. An association of families of victims of the massacre organized a peaceful demonstration in Benghazi. Protests then spread to other cities, including the capital Tripoli. The forces of the regime reacted brutally, killing hundreds of people. Bloody confrontations ensued between the revolutionaries and the forces loyal to Qadhafi, which committed war crimes, crimes against humanity and grave human rights violations. The international community reacted by adopting Security Council resolution 1970 (2011) of 26 February 2011, which referred the situation in Libya to the International Criminal Court, and Security Council resolution 1973 (2011), which established a no-fly zone and provided for the protection of civilians in the light of the crimes and repression of the Qadhafi regime forces, which had resorted to threats and intimidation. The confrontation between regime forces and the revolutionaries, who were backed by international coalition forces, continued until liberation was declared on 23 October 2011.

3. Libya submitted its first report in November 2010. During the review process, 66 of the 120 recommendations were accepted, 24 were rejected and 30 were placed under consideration. After the February revolution, the recommendations under consideration were reviewed. All were accepted, except for one that was partially accepted. All but four of the rejected recommendations were accepted. A total of 115 recommendations have now been fully accepted and one partially accepted. However, owing to the events in Libya, it has not been possible to implement some of the recommendations.

4. The present report was prepared by a committee of Government experts, in coordination with the National Council on Civil Liberties and Human Rights, pursuant to Human Rights Council resolution 1/15 and decision 17/119 of 17 June 2011 on follow-up of Human Rights Council resolution 16/21 with regard to the universal periodic review.

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II. Legislative and institutional progress made by Libya since the revolution

A. Promulgation of the transitional Constitutional Declaration

5. The transitional Constitutional Declaration was promulgated on 3 August 2011.

6. Chapter I, article 2 of the Constitutional Declaration provides that the State shall work to establish a civilian, democratic political system based on political pluralism, with several political parties, in order to ensure the peaceful transfer of power.

7. Chapter II addresses the question of civil rights and liberties, and includes the following provisions of particular significance. Article 1 guarantees the linguistic and cultural rights of all components of Libyan society, including the Amazigh, Toubou and Touareg. Under article 7, the State is obligated to safeguard human rights and basic freedoms, and to work to adopt new legislation guaranteeing such rights and freedoms, including the right to work, education, health care and social insurance; the right to housing and ownership; the right to a fair trial with legal safeguards; the right to life and freedom of movement; the criminalization of torture; the right to freedom of expression; the right to conduct academic research, communications, freedom of the press and information; the right to peaceful demonstration and protest; and the right to form political parties and associations. Article 5 guarantees the protection of mothers, children and the older persons and care for children, younger persons and persons with special needs.

8. Article 30 sets out the timetable for a transitional period of 18 months beginning immediately on the removal of the former regime. It has been amended numerous times in the light of exceptional circumstances caused by certain challenges facing the democratic transition and the constitutional process.

B. Legislative and executive political institutions

National Transitional Council

9. The Council was established a few days after the outbreak of the revolution, on 23 February 2011 on a transitional basis, under Mustafa Abdul Jalil. It enacted an electoral law and established the Libyan High National Election Commission, which in turn organized the elections that provided the basis for the political institutions that would subsequently be formed.

Executive Office

10. The Executive Office was established by the National Transitional Council to act as interim Government and oversee activities in the areas liberated from the clutches of the former regime. It was headed by Mahmoud Jibril. The National Transitional Council and the Executive Office played a pivotal role in securing international recognition and taking the lead during a sensitive period.

Transitional Government

11. The Transitional Government was established after the declaration of liberation on 23 October 2011. It took over the functions of the Executive Office on 17 April 2012 and was headed by Abdurrahim El-Keib.

General National Congress

12. The General National Congress was established after the free and fair elections of 7 July 2012. It took over from the National Transitional Government on 8 August 2012. Some 1.7 million out of a total of 2.8 million eligible voters took part. According to 2006 statistics, the total population of the country was 5,298,152. Women accounted for 45 per cent of voters, 15 per cent of candidates and 33 of the 200 seats that were filled. The Congress was headed by Mohamed Yousef El-Magariaf.

Interim Government (Zeidan Government)

13. On 19 November 2012, the General National Congress elected an interim Government headed by Ali Zeidan. Confidence was subsequently withdrawn from the Zeidan Government, and Abdullah al-Thini was appointed to head a caretaker Government until the elections for the House of Representatives.

House of Representatives

14. In accordance with amendments to the Constitutional Declaration and with Law No. 10 (2014), free and fair elections were held on 25 June 2014, resulting in the establishment of the House of Representatives, which is the sole legislative power with international recognition. Some 630,000 people out of a total of 1.5 million eligible voters took part. 32 seats were allocated to women. However, the General National Congress, the term of which had expired, refused to hand over its power to the House of Representatives, creating a considerable challenge. The House of Representatives was headed by Aguila Saleh Gouider.

Interim Government (Al-Thini Government)

15. The House of Representatives asked Mr. Al-Thini to form an interim Government, which secured confidence on 28 September 2014.

Constitutional Drafting Committee

16. The Committee was elected on 20 February 2014 in accordance with Law No. 17 (2013) and began its work on 21 April. On 24 December 2014, it produced a draft constitution for discussion by specialists, stakeholders and representatives of civil society, whose views would be taken into consideration at the re-drafting stage.

C. Legislative and executive developments for the promotion and protection of human rights

17. Since August 2011, the Libyan authorities have enacted a range of laws and decisions formulating a conscientious approach to the promotion and protection of human rights. The most significant are set forth below.

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(i) Laws

- Law No. 4 (2011) amending Law No. 6 (2006) on the judiciary system;
- Law No. 5 (2011) establishing the National Council on Civil Liberties and Human Rights;
- Law No. 29 (2012) on the right to establish and join political parties;
- Law No. 50 (2012) on compensation for political prisoners;
- Law No. 63 (2012) establishing the Anti-Corruption Authority;
- Law No. 65 (2012) regulating the right to peaceful protest;
- Law No. 10 (2013) criminalizing torture, enforced disappearance and discrimination;
- Law No. 11 (2013) amending provisions of the Military Penal Code and Code of Criminal Procedure to specify that civilians shall not be tried by military courts;
- Law No. 17 (2013) on the election of the Constitutional Drafting Committee;
- Law No. 18 (2013) on the rights of cultural and linguistic groups;
- Law No. 23 ratifying the Montreal Protocol on Substances that Deplete the Ozone;
- Law No. 29 (2013) on transitional justice, which abrogates and supersedes Law No. 17 (2012) and establishes a fact-finding and national reconciliation commission, a fund for victims and an ombudsperson's office;
- Law No. 2 (2014) enacting certain provisions concerning the prohibition on weapons, ammunition and explosives.

(ii) Decisions

- Decision No. 39 (2012) of the Prime Minister establishing a committee in the Ministry of Justice to be known as the Permanent Committee to Monitor Human Rights in Libya;
- Decision No. 380 (2012) of the Council of Ministers establishing a psychological support centre for the victims of sexual violence, torture and other humiliating or degrading treatment;
- Decision No. 57 (2013) on the return of displaced persons from Batin al-Jabal, which provided that all of the displaced persons should return to their areas of origin in Batin al-Jabal;
- Decision No. 123 (2013) setting out a road map to resolve the conflicts among certain Libyan cities. The Decision requests the Public Prosecutor to establish a committee to register complaints and names of suspects in connection with the war of liberation. The Government should then publish a list of persons who stand accused by the Public Prosecutor and determine a time and mechanisms for displaced persons to return to their regions under the supervision of the Libyan Army;

- Decision No. 119 (2014) addressing the situation of the victims of sexual violence;
- Decision No. 455 (2014) establishing a fund to address the situation of the victims of sexual violence. The fund is regulated by Decision No. 409 (2014) of the Minister of Justice. Council of Ministers Decision No. 185 (2015) requests the Assistant Deputy responsible for human rights in the Ministry of Justice to comprehensively supervise and operationalize the fund, and to take the necessary legal measures for that purpose.

III. Economic, social and cultural rights

18. Although Libya has considerable economic resources, the policies of the former regime and the corruption that prevailed at the time have prevented the Libyan people from using its resources to build solid foundations for the range of State institutions in a range of areas, including education, health and housing. That situation had affected wide sections of the Libyan people in the enjoyment of their economic, social and cultural rights. After the revolution, numerous measures were taken to improve the living standards of the Libyan people. For instance, a law was adopted to raise the minimum public-sector wage and raise the minimum basic and social insurance allowances.

19. With regard to family development, a marriage support fund has been established in order to help people who are entering into marriage. Some other significant developments are set out below.

A. Right to education

20. Libya has kept education compulsory and free for boys and girls alike until the end of basic education. However, the challenges facing the country in the current phase have cast a shadow over the teaching process. Education has been significantly affected by the recent conflict, and some educational institutions have been targeted by armed groups.

21. Libya has strived to implement the Model Arab Plan for Human Rights Education for the period 2009-2014, which is aimed at integrating human rights principles into the education system, at all levels of education, and thereby ensure that generations of students will be reared to believe in and respect human rights. Libya has stepped up its efforts to implement that Plan by adding human rights as a distinct subject in the university-level curriculum.

22. With regard to the rights of cultural groups to education, the General National Congress adopted Law No. 18 (2013) on the rights of cultural and linguistic groups. The Centre for Educational Curriculums and Education Studies of the Ministry of Education was instructed to include the Amazigh language as a subject matter in the curriculum of grades one to four of primary school in those areas in which the language is spoken.

23. Given that all Libyans have a right to education, the Ministry of Education enrolled displaced students in the schools nearest to where they had been relocated. The State has also established schools in the refugee camps and provides

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transportation to school. It has furthermore established an office in the Ministry of Education for displaced persons' affairs. In the 2013/14 academic year, some 1,919 displaced students were enrolled in primary education and 285 were enrolled in secondary education in 13 camps.

24. A special school for children with tumours was established at Tripoli Medical Hospital. There are approximately 47 children enrolled in this school.

B. Right to health care

25. The State provides health care free of charge to citizens. It is responsible for building and maintaining hospitals and health clinics, staffing them with medical personnel and providing them with medical equipment and medicines on a permanent and ongoing basis.

26. Health-care services are provided by primary health-care facilities and group clinics, which are located throughout the country, as well as infectious disease centres in the main cities. There are also private clinics that provide treatment. The national vaccination programme is among the finest in the region. Thanks to that programme, polio has been eradicated and measles has been brought under control. With a vaccination rate of 95 per cent, there are no epidemics in Libya, nor are there any infectious diseases. The country has succeeded in eradicating polio, and no cases of that disease have been reported for more than 25 years. That fact was confirmed by the World Health Organization, which has declared Libya to be polio-free. Nonetheless, since the start of the 1990s, there has been a steady decline in the health-care system. There are several causes for that decline, some of the most important of which are:

- The international sanction imposed on Libya starting in 1992.
- Large numbers of Libyan medical personnel left the country because of the former regime's regimes repressive practices and owing to poor work and economic conditions.

27. The health-care sector has collapsed almost completely because of the country's current difficulties.

C. Protecting women's rights and empowering women

28. The Constitutional Declaration of August 2011, which will remain in force until a permanent constitution is adopted, provides that the State shall undertake to uphold human rights and fundamental freedoms, and that Libya is committed to acceding to those international instruments that protect such rights and freedoms.

29. Libya has been a party for quite some time to core international and regional instruments that address the issue of equality between men and women. Libya ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1995, although it did enter some reservations. It was also one of the first countries to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which includes a broad array of provisions concerning non-discrimination against women, including with regard to political life, access to justice and violence against women. Other

international instruments that Libya has ratified place upon it additional obligations to protect women's rights, ensure the equality of women before the law and protect against discrimination. Those instruments include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

30. Despite significant security, social and political challenges, Libyan women have entered public life and they played an essential role in every aspect of the revolution. After decades of dictatorship, the situation of Libyan women is extremely varied. On the other hand, Libyan women are some of the most educated in the Arab world. More than half of all graduates in Libya are women, according to the United Nations Development Programme.

31. As part of the effort to address the crimes and atrocities committed by the former regime against all Libyans, including, in particular, Libyan women, and in order to pursue transitional justice, redress injury and overcome the negative consequences of the past, the Council of Ministers adopted a decision by which women who had been the victims of violence or raped in the war of independence are considered war victims. Those women are provided with medical and psychological care, and all forms of financial assistance. That same decision provides that they will be assisted in their efforts to take legal action against the perpetrators and bring them to justice, and ensure that perpetrators do not escape punishment. The State supports the establishment of small enterprises as a means of raising the living standard of widows, divorced women and women who provide for their families.

32. Although the vast political changes that are taking place in Libya offer unprecedented opportunities to change the legal and social status of women, including ensuring their full and true participation in the political process via the laws that regulate the process, the gains that have been made thus far remain tenuous and need to consolidated without delay through clear constitutional and legislative guarantees.

D. Rights of persons with disabilities

33. Owing to its abiding belief that incorporating the rights of persons with disabilities into an integrated rights framework is a strategic imperative, Libya has contributed to all the relevant regional and international initiatives and measures. It has also remained abreast of development in that regard, whether in respect of approaches or measures. Libya furthermore continues to believe firmly in the necessity of adopting a comprehensive legal approach to the question of persons with disabilities, instead of simply providing them with care and charity. The aims of such an approach can only be achieved by following an integrated social and economic policy in accordance with an integrated national plan that addressed the needs of persons with disabilities.

34. Council of Ministers Decision No. 20 (2012) on the adoption of the organizational structure and the competencies of the Ministry of Social Affairs, article 2, paragraph 18, provides that the Ministry shall be responsible for providing the services required by the residents of social institutions and centres for persons with special needs, managing their affairs and establishing the framework for their care and rehabilitation. Paragraph 19 of that same article provides that the Ministry

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shall be responsible for supervising and monitoring the operation of social care facilities; centres and institutions for the education and training of persons with special needs; and orphanages. The Ministry must also ensure that those facilities and institutions work together to provide integrated services. The following specialized bodies subsidiary to under the Ministry of Social Affairs are responsible for the care of persons with disabilities:

- The General Authority for the Social Security Fund
- The Centre for Training Persons with Disabilities, Benghazi
- The Centre for Training Persons with Disabilities, Janzur
- The Sawani Centre for Training Persons with Disabilities
- The National Commission for Persons with Disabilities

35. It should be noted that Law No. 5 (1987) on persons with disabilities remains in effect.

IV. National human rights institutions

A. National Council for Civil Liberties and Human Rights

36. The National Council for Civil Liberties and Human Rights was established pursuant to Law No. 5 (2011), which was promulgated by the National Transitional Council on the basis of the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Council strives to preserve, strengthen and defend civil rights, monitor and document violations of those rights, and support and encourage civil society organizations. It publishes an annual report and biannual reports on its activities.

37. According to the 2013 annual report, the Council had noted incidents in which human rights had been violated and civil liberties had been attacked. The Council had also taken note of and documented various incidents that were reported to it or of which it had become aware, including torture, forced disappearance, extrajudicial killings, several cases of perpetrators not being brought to justice, extrajudicial detention, a rise in illegal migration, the humanitarian situation of refugees and displaced persons, attempts to curtail freedom of expression and other violations. In its reports, the Council has stated that it was profoundly concerned at and greatly disturbed by the overall situation of human rights and civil liberties. It has also warned of the dangerousness of the situation and stressed the need to fulfil the responsibility to establish the authority of the State and draw a clear road map for building State security institutions. The security situation has affected the Council's work and led the Office of the United Nations High Commissioner for Human Rights (OHCHR) to issue a statement on 24 October 2014 in which it expressed deep concern at reports of threats and intimidation directed against Libya's national human rights institution, the National Council for Civil Liberties and Human Rights, based in Tripoli.

B. The Civil Society Commission

38. The Civil Society Commission falls under the Ministry of Culture and Civil Society and was established by Council of Ministers Decision No. 649 (2013) amending Decision No. 12 (2012) on the establishment of the Commission. The Commission is responsible for registering civil society organizations, approving their charters and monitoring them to ensure that they carry out their work in accordance with the legislation in force. It also provides civil society organizations with logistical and technical support and advice. To date, the Commission has registered more than 3,000 such organizations.

39. The Commission regulates the work of international civil society organizations that wish to operate in Libya, in coordination with the competent authorities and in accordance with the legislation in force.

40. The Commission also adopts plans and programmes to enhance its work and build the capacities of its staff, and organizes and sponsors workshops and training programmes to develop the capacities of the staff of civil society organizations, in cooperation with national and international agencies and institutions.

41. The Commission is run by a board of directors composed of a president, a vice-president and five members. The board's members are nominated by the Minister of Culture and Civil Society and appointed by a decision of the Council of Ministers. The Commission is headquartered in Benghazi, with branches in Jadu, Tripoli, Misratah, Sabha and Bayda. The United Nations Support Mission in Libya (UNSMIL), the European Union, the various international development agencies and international non-governmental organizations all play a great role in providing technical and professional support to the Commission and in building the basic capacities of Libyan civil society leaders.

V. Libya's relations with the Human Rights Council and its mechanisms

42. The UNSMIL Human Rights, Transitional Justice and Rule of Law Division plays a prominent role in strengthening the rule of law and monitoring and protecting human rights, in accordance with legal obligations of the Libyan State. It also helps the Libyan authorities to reform and build up the justice system, supports the formulation and implementation of a comprehensive strategy for transitional justice and supports work aimed at ensuring humane and appropriate treatment of detainees. The Division, in coordination with OHCHR, contributes to reports on the situation of human rights in Libya.

43. Libya is one of the States that has extended an open invitation to all special procedures mandate-holders. It has also invited the High Commissioner for Human Rights to visit the country, but the High Commissioner has yet to do so. In 2013, the General National Congress ratified the Convention on the Rights of Persons with Disabilities.

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VI. Internally displaced persons and persons displaced to neighbouring States

44. Law No. 29 (2013) on transitional justice provides accountability and reparations mechanisms for victims of human rights violations committed since 1969. The Law also stipulates the establishment of an agency for the affairs of internally displaced persons. This agency has the authority to inspect their conditions, make it possible for them to exercise their rights and prevent discrimination against them.

45. The office of the Prime Minister has formed a number of crisis committees, including a committee on the crisis in the south, the purpose of which is to provide humanitarian assistance to persons harmed in incidents of violence.

46. On 2 October 2014, the Transitional Government pledged to pay school fees of all Libyan students in Egypt and Tunisia.

47. On 18 February 2015, the Council of Ministers of the interim Libyan Government held a face-to-face meeting with the House of Representatives committee on displaced persons' affairs of the to discuss the conditions of internally displaced persons and persons displaced to neighbouring States, at which the following was decided:

- Displaced persons and refugees would be identified, and efforts would be combined and coordinated to provide them with proper assistance. Bodies and agencies with responsibilities similar to the Ministry of Labour and Social Affairs should be abolished and all aid operations put under the supervision of the Ministry, in order to avoid fragmentation of efforts and ensure that assistance reaches its rightful recipients;
- Libyan embassies would be instructed to assist all Libyans abroad with administrative procedures, in particular passport renewal, without exception or discrimination;
- The Ministry of Labour and Social Affairs would be charged with identifying displaced persons and refugees and preparing a comprehensive database on them, and proposing a mechanism to provide them with assistance. Persons displaced by armed conflicts living in schools, institutes and public places would be identified, and alternative locations would be proposed in accordance with the capacities available to the Ministry. The Ministry of Social Affairs has issued Decisions Nos. 264 and 265 opening offices for displaced persons in Egypt and Tunisia, and within Libya, and to offer cash and in-kind assistance and rental subsidies to such displaced persons.

VII. Responses to recommendations

Recommendations 93.4-5, 93.8-10, 93.35, 93.39 and 93.58 on promoting respect for human rights and human rights education

48. The post-revolutionary transitional authorities have taken note of these recommendations and taken tangible measures to enact the legislation necessary to implement them, including the following:

- The Constitutional Declaration includes a chapter addressing rights and civil liberties that contains the following provisions of particular significance. Article 1 guarantees the linguistic and cultural rights of all components of Libyan society, including the Amazigh, Toubou and Touareg. Under article 7, the State is obligated to safeguard human rights and basic freedoms, and to work to adopt new legislation guaranteeing such rights and freedoms, including the right to work, education, health care and social insurance; the right to housing and ownership; the right to a fair trial with legal safeguards; the right to life; the criminalization of torture; the right to freedom of expression; the right to conduct academic research, communications, freedom of the press and information; the right to freedom of movement; the right to peaceful demonstration and protest; and the right to form political parties and associations. Article 5 guarantees the protection of mothers, children and the older persons and care for children, younger persons and persons with special needs.

- Decision No. 12 (2011) concerning the abolition of the so-called People's Authority. Article 2 of that Decision provides for the abolition of the Revolutionary Committees Movement, the Revolutionary Guard, the revolutionary action teams, the social leaderships, the comradeship leagues and all the organizations connected with them. Their headquarters and offices will revert to the public authorities.

- Law No. 5 (2011) establishing the National Council on Civil Liberties and Human Rights;

- Law No. 65 (2012) regulating the right to peaceful demonstration;

- Law No. 18 (2013) on the rights of cultural and linguistic groups.

49. In addition, the legislature has identified those punitive laws that must be brought into line with international human rights standards. The Ministry of Justice is working with the United Nations Office on Drugs and Crime (UNODC) to develop a plan to review Libyan criminal legislation. Committees have been formed and workshops have been held in that regard.

50. With regard to education, since the beginning of the transitional period, substantial attention has been devoted to increasing respect for and enhancing protection of human rights and basic freedoms. Numerous symposiums and workshops have been held specifically for women, children and other groups that require special attention, in order to raise their awareness of their rights and duties. The media have been used in those awareness-raising efforts.

51. Numerous activities have been conducted in coordination with UNSMIL and international and local civil society organizations. In addition, focus has been placed on developing educational curriculums at the primary level that instil a sense of national belonging and the concept of the rights of citizenship. At the university level, focus has been placed on incorporating human rights-related educational programmes and materials.

52. In addition, programmes have been put in place to raise awareness in certain important sectors, such as the Ministry of Defence. An office for human rights and international humanitarian law has been established in that Ministry. In addition,

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numerous awareness-raising programmes have been set up for the judicial police and prison sectors, and numerous training courses have been held.

Recommendations 95.1-4, 95.23, 96.1 and 96.4-5 calling on Libya to accede to those international human rights conventions to which it has not yet acceded

53. Article 7 of the Constitutional Declaration, which was promulgated on 3 August 2011, stipulates that the State must accede to all international and regional agreements and pacts related to the promotion and protection of human rights. The commitment to that provision is attested to by the accession of Libya to the Convention on the Rights of Persons with Disabilities.

Recommendation 95.7 encouraging the national human rights institution to seek accreditation from the international coordinating committee

54. By virtue of Law No. 5 (2011), a National Council for Civil Liberties and Human Rights was established in accordance with the Paris Principles. It is an independent body that aspires to become an advisory body.

Recommendations 93.61 and 95.9-12 on inviting the special procedures mandate-holders to visit Libya

55. In March 2012, Libya extended an open invitation to all special procedures mandate-holders. Libya had approved the visit requests of some of the special procedures mandate-holders and others. The visits have not yet taken place, despite approval by the Libyan authorities.

Recommendations 93.14-15, 93.20-28, 93.33, 93.36, 93.50, 95.8 and 98.27-28 on prohibiting discrimination against women and advancing their status

56. Equality between the sexes before the law is guaranteed by provisions of the interim Constitutional Declaration promulgated on 3 August 2011, as well as by the laws in force. The Constitutional Declaration, article 6, provides that all individuals in society, both men and women, are equal in the enjoyment of civil right, political rights, and equality of opportunity, without discrimination on the basis of sex. Moreover, women are guaranteed all rights, including the freedom to form associations. These framework proposals were confirmed by the draft constitution disseminated by the Constitution Drafting Assembly in December 2014 as an initial draft to stimulate discussion across all segments of society.

57. There is no discrimination against women to speak of in any of the laws in force. On the contrary, Libyan legislation represents gains for women and strives for their protection and development.

58. With regard to employment of women in State institutions, there are no legal obstacles preventing women from obtaining employment. On the contrary, they hold the lion's share of public posts. Libyan women hold approximately 60 per cent of public posts.

59. Law No. 58 (1971), article 95, provides that women may not be employed in difficult or dangerous jobs. Article 97 of that Law allows a working woman nursing her child daily nursing breaks of not less than half an hour during working hours. The Social Insurance Act, Law No. 13 (1980), provides for three months of maternity leave for working women.

60. With regard to marriage, divorce, inheritance and the granting of citizenship to the children of women married to foreigners, the Islamic sharia and national legislation regulate marital relations and forbid sexual relationships outside of marriage. There is no question that the observations made in this regard touch in a major way on the particular religious character of Libyan society, which is Muslim in nature, and the laws of which governing personal status and relations are derived from the principles of the sharia. Within that framework, the rights granted to women are equal to those of men, but they are not completely identical, given the qualitative and natural differences between the sexes. Insisting on a kind of equality that does not take into account these considerations would detract from the dignity and rights of women. The observation regarding women inheriting half of a man's share might perhaps reflect a lack of precise knowledge of the law of inheritance in Islam. Under the Islamic sharia, a woman inherits half of a man's share in four circumstances, a share equal to that of a man in 12 circumstances, and a share greater than that of a man in 15 circumstances. There are also five circumstances in which a woman inherits and a man does not.

61. The specificities of the religion, culture, society and sources of national law in each country reflect the essential cultural diversity that has been recognized by international pacts. Such specificities enrich the human values that are the property of all.

62. With regard to the issue of Libyan mothers married to foreigners not being permitted to pass Libyan citizenship on to their children, we draw your attention to Law No. 24 (2010) concerning provisions for Libyan citizenship, article 11 of which gives Libyan women the right to pass Libyan citizenship on to their children. An implementing regulation was supposed to have been put in place for that article. However, the political and security turmoil of Libyan affairs has not allowed for the promulgation of that implementing regulation. The Law remains in force at the present time.

Recommendations 93.12, 93.31 and 93.48 on the rights of the child

63. The Government strives to create a suitable environment that provides protection to children, who account for one third of the inhabitants of Libya. That includes institutional capacity building, such as the establishment of a High Council for Childhood; the establishment of training programmes for social workers at the Ministry of Social Affairs in cooperation with the United Nations Children's Fund; and the harmonization of child protection laws with international standards. At the same time, Ministry of Social Affairs, in cooperation with local councils, has undertaken to establish creativity centres to develop and channel children's activities and create safe play spaces for children by building playgrounds in major cities damaged by the conflict. Libya is among the States that have extended an open invitation to all special procedures mandate-holders. With regard to the issue of Libyan mothers married to foreigners Libyan not being permitted to pass Libyan citizenship on to their children, we draw attention to Law No. 24 (2010) concerning provisions for Libyan citizenship, article 11 of which gives Libyan women the right to pass Libyan citizenship on to their children. It should also be noted that Law No. 5 (1987) concerning persons with disabilities remains in force. It grants a number of benefits to persons with disabilities in general and children in particular.

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Recommendations 93.1, 93.29-32, 93.54, 93.57 and 95.3 on persons with disabilities

64. Council of Ministers Decision No. 20 (2012) on the adoption of the organizational structure and the competencies of the Ministry of Social Affairs, article 2, paragraph 18, provides that the Ministry shall be responsible for providing the services required by the residents of social institutions and centres for persons with special needs, managing their affairs and establishing the framework for their care and rehabilitation. Paragraph 19 of that same article p provides that the Ministry shall be responsible for supervising and monitoring the operation of social care facilities; centres and institutions for the education and rehabilitation of persons with special needs; and preschools, and also the provision of supplementary services for such facilities. The following specialized bodies under the Ministry of Social Affairs are responsible for the care of persons with disabilities:

(a) The General Authority for the Social Security Fund;

(b) The Centre for Training Persons with Disabilities, Benghazi;

(c) The Centre for Training Persons with Disabilities, Janzur;

(d) The Sawani Centre for Training Persons with Disabilities;

(e) The National Commission for Persons with Disabilities.

65. It should be noted that Law No. 5 (1987) concerning persons with disabilities remains in force. It gives persons with disabilities the rights to one or more of the following benefits:

- Shelter; subsidized housing services; assistive equipment (reimbursable); education; therapy or rehabilitation; suitable work for those who have received therapy or rehabilitation; follow-up for those of them who are working; tax exemption for the proceeds of activities engaged in by those who are self-employed; access to facilities for the use of public transport; customs exemptions for items that they must import because of their disabilities; and facilitated access to public spaces. In addition, in 2013, the General National Congress ratified the Convention on the Rights of Persons with Disabilities.

Recommendations 93.13, 93.49, 93.53, 93.55-57 and 93.59 on the improvement of education and health care

66. The previous regime did not devote the necessary attention to these two sectors. Although compulsory education at the primary level was free of charge, and education was also available in the private sector, there was no focus on improving the quality of education by keeping up with the latest developments in educational materials and curriculums across the various fields of science and learning.

67. Following League the adoption of Arab States resolution 391 of 2007, which provided for the drafting of a model Arab plan for human rights education for the 2009-2014 period, the Standing Human Rights Committee issued recommendations on the basis of which a study of the plan and education research were conducted, and educational materials containing human rights concepts were identified for all education levels. On 9 February 2014, a national plan was set forth for implementation of the Arab plan for human rights education. However, owing to the difficult circumstances and challenges being faced by Libya during the transitional

period, many goals were not achieved. Energies have been diverted towards addressing the repercussions of exceptional security-related events, in particular enrolment by displaced students in the schools nearest to their places of residence. In addition, a special school for children with tumours has been established at Tripoli Medical Hospital, with approximately 47 students enrolled.

68. With regard to health care, the State as undertaken to provide health services to citizens free of charge, to build and maintain hospitals and health clinics, and to provide medical teams, medical assistance, equipment and medicine on a permanent ongoing basis.

69. Health-care services are provided by primary health-care facilities and group clinics, which are located throughout the country, as well as infectious disease centres in the main cities. There are also private clinics that provide treatment. The national vaccination programme is among the finest in the region. Thanks to that programme, polio has been eradicated and measles has been brought under control. With a vaccination rate of 95 per cent, there are no epidemics in Libya, nor are there any infectious diseases. The country has succeeded in eradicating polio, and no cases of that disease have been reported for more than 25 years. That fact was confirmed by the World Health Organization, which has declared Libya to be polio-free. Nonetheless, since the start of the 1990s, there has been a steady decline in the health-care system. There are several causes for that decline, some of the most important of which are:

- The international sanction imposed on Libya starting in 1992.
- Large numbers of Libyan medical personnel left the country because of the former regime's regimes repressive practices and owing to poor work and economic conditions. The health-care sector has collapsed almost completely because of the country's current difficulties.

Recommendations 93.60-93.65 on illegal migration

70. Libya believes that illegal migration is not simply a unilateral or bilateral problem. It is a challenge to all States, although they might not all be equally affected. While Libya plays a part in this equation, it has also suffered as a result of illegal migration. Motivated by humanitarian and moral considerations, Libya is now striving to confront this challenge and find appropriate solutions, in accordance with the human and financial resources at its disposal. It is doing so in cooperation with neighbouring States and the European Union. Libya is not a source country of migration, but, rather, a transit country. It has no interest in this phenomenon, which has placed a heavy burden on the economy and society and affected the country's security. The responsibility to address illegal migration therefore rests not only with Libya, but requires a concerted effort at the regional and international levels. Libya has spared no effort to engage in dialogue with the countries of the Mediterranean and south Mediterranean countries, with a view to coordinating efforts in response to this problem.

71. In that connection, the first regional ministerial meeting on border security was held in Tripoli in March 2012. At the conclusion of that meeting, the participants adopted the Tripoli Action Plan, which is aimed at improving border monitoring and security in North Africa, the Sahel and the Sahara; strengthening dialogue and consultation among the States of the region and international partners;

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enhancing operational cooperation in security matters, including with regard to the challenges posed by illegal migration, countering terrorism, organized crime and the smuggling of weapons and drugs; sharing border-control experience and expertise; and establishing mechanisms for coordination and the exchange of information among security agencies. Libya has taken measures to address the challenges posed by illegal migration, including:

- In June 2011, Libya and the Italian Government signed a cooperation agreement on combatting illegal migration, terrorism, organized crime and the trade in drugs;
- Libya, in cooperation with the European Union, has trained some technical professionals;
- The International Organization for Migration (IOM) is working with the Libyan Government to help migrants return voluntarily to their countries. The Ministry of the Interior and the Department to Counter Illegal Migration are being provided with technical assistance to create a biometric registration system, develop operating procedures for border posts and train personnel. Some 800 migrant centres are also receiving assistance, in order to improve the management of those centres and build the capacities of the local authorities in migration matters.

Recommendations 93.37 and 93.38 on enacting a law prohibiting human trafficking

72. The Government will look into enacting a law prohibiting human trafficking upon the conclusion of a detailed study of the matter. Consultations are being held in that regard with IOM.

Recommendations 95.4-5, 96.4-5 and 96.21-24 on the right to asylum and accession to the relevant instruments

73. The Constitutional Declaration, article 10, guarantees the right to asylum and the non-refoulement of political asylum seekers. Libya is still considering the question of acceding to those instruments to which has not yet acceded. This is a very important matter, and completing the establishment of the country's constitutional institutions will be a positive step in that regard. Libya is party to the Convention Governing the Specific Aspects of Refugee Problems in Africa, which entered into force on 20 June 1974.

Recommendations 93.2-3, 93.40, 95.2, 95.6, 95.10-12, 95.22-23, 96.1-3, 96.9 and 96.11 on arbitrary detention, torture and forced disappearance

74. Addressing these matters is not an easy task in view of the institutional and security challenges that Libya has experienced. Nonetheless, Law No. 29 (2013) on transitional justice has been promulgated. Under that law, detainees must either be charged or released within specific time frames. However, the difficulties the country has been experiencing have had an adverse effect on the enforcement of that Law. The Ministry of the Interior has instructed all prisons to adhere to international standards regarding prison management and the treatment of prisoners, including with regard to interrogation and referral to the courts. The Public Prosecutor has formed four committees to classify the cases of those prisoners being held in the

prisons of the Ministry of the Interior, the most important of which are Kuwafiyah Prison in Benghazi; Ayn Zarah and Birkah prisons in Tripoli; Majir Prison in Zalaytan; and Jawadim and Sal'ah prisons in Zawiyah. It is worth noting that, in March 2012, Libya extended an open invitation to all special procedures mandate-holders. It has also agreed to allow the Working Group on Arbitrary Detention to visit the country, but the Working Group has yet to do so. Several international non-governmental organizations have been allowed to visit Libyan prisons.

75. There is no doubt that any violations that occur are committed by individuals and are subject to the Penal Code. They occur primarily in places where armed groups are active. The National Council on Civil Liberties and Human Rights receives complaints regarding civilians affected by such violations. Law No. 10 (2013) criminalizing torture, forced disappearance and discrimination was promulgated.

Commissions have been formed to investigate and take action on a number of cases that were referred to the Public Prosecutor:

- An investigative commission was established pursuant to Decision No. 98 (2012) to investigate 21 cases, one of which had been adjudicated and 20 of which had been investigated and referred to the courts for trial;
- Investigative commissions were established pursuant to Decision No. 49 (2013) to investigate cases that were being processed by the security authorities in Misratah. The number of cases that had been reviewed was 732, while 1,801 cases had not been reviewed. In addition, some 118 cases had been adjudicated and 154 had been referred to the indictment division. Lastly, the accused in 338 of the cases had been released;
- A commission was established pursuant to Decision No. 53 (2013) to investigate and take action on 35 cases. Action had been taken in 27 of the cases, while eight cases were pending;
- An investigative commission was established pursuant to Decision No. 121 (2014) to investigate cases being processed by the security authorities in Zalaytan. The commission interviewed 148 detainees, of whom 48 were released. The remaining cases were referred to the indictment division;
- There are several important cases that are still being investigated pursuant to Decision No. 10 (2014) regarding the events that occurred in 1996 at Abu Salim Prison; Decision No. 107 (2014) regarding the incidents that occurred on the motorway; and Decision No. 157 (2014) on the Gharghur massacre;
- Two fact-finding commissions were established pursuant to a decision of the Minister of Justice, one of which is looking into incidents of armed violence and the other into the incidents that occurred in the south.

Recommendations 93.24 and 96.13-21 on the abolition of the death penalty

76. The Libyan legislature is striving to restrict the use of the death penalty. Legal measures have been introduced to minimize the use of the death penalty, the most significant of which are the payment of blood money and renunciation by guardians of their rights. The latter measure greatly reduces the number of cases in which the death penalty is carried out. There is an ongoing debate between those who call for

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the abolition of the death penalty and those who argue that is necessary to maintain it because of the sharia and in order to deter those who do not hold dear human life.

Recommendations 95.24-25 on provisions in the Penal Code of Libya concerning corporal punishment

77. The legislature has identified those punitive laws that must be brought into line with international human rights standards. The Ministry of Justice and UNODC are working together to review the laws of Libya. To that end, committees have been formed and workshops held with the support of UNSMIL and the National Council for Civil Liberties and Human Rights. Libyan law addresses four types of hudud crimes (crimes against God): adultery, false accusation, theft and hirabah (unsanctioned violence).

78. Under Law No. 70 (1973) on the crime of adultery, the offence is punishable by flogging. In addition, a discretionary penalty of imprisonment may be imposed. The Law requires that there should be four witnesses to the act in order to establish that the offence has occurred. The adulterer must also clearly and unequivocally confess to the crime. Witnesses will be considered to have made a false accusation if the required number of witnesses is not assembled or the accused denies committing the crime.

79. False accusation occurs when a person falsely alleges that a man or woman has committed adultery. Pursuant to Law No. 52 (1974), article 52, the person making the false allegation must confess at least once to the judicial authorities or before two men in order to establish that the offence has occurred. Article 14 of that same Law provides that the penalty of flogging cannot be carried out until a definitive judgement has been handed down. It also provides that penalty can only be carried out after a medical examination has been conducted and it is determined that carrying out the penalty poses no danger. The Law furthermore stipulates that the penalty shall be carried out at a police station and in the presence of a representative of the Public Prosecutor; establishes how the penalty is to be carried out and the conditions that must be met; and sets out how the penalty is to be carried out on women. The Law provides that the flogging of a pregnant woman shall be postponed until two months have passed from the time she has given birth. The charges shall be dropped if the falsely accused person forgives the accuser. The crimes of theft and hirabah have been abolished; they have been superseded by the provisions of the Penal Code.

Recommendations 95.26 and 96.10 on the latest developments in the question of Abu Salim Prison

80. The office of the Public Prosecutor is still investigating this heinous crime, which resulted in the killing of 1,270 Libyan nationals. The matter will be referred to the courts as soon as the investigation has been completed.

Recommendation 96.12 on the abolition of special courts and related institutions

81. All special courts, which were prevalent during the previous regime's rule, were abolished pursuant to article 23 (2) of the Constitutional Declaration. In addition, in the State Security Court and the Popular Prosecution Office were abolished and all laws related to the establishment of special courts were abrogated.

Recommendations 93.41-43, 95.29-30 and 96.14-20 on freedom of expression, the press and association, and the formation of parties

82. Freedom of opinion, expression, the press and the media are guaranteed under the Constitutional Declaration, paragraph 14, while laws restricting the freedom of the press and the media were abrogated by article 35 of that same document, including Law No. 120 (1972), Law No. 76 (1972) and Law No. 75 (1973). With regard to the lifting of the prohibition on the formation of political parties, the Constitutional Declaration, article 15, rescinds the ban on the formation of political parties and peaceful associations. Accordingly, Law No. 29 (2012), which regulates the establishment of political parties and sets out conditions for the membership thereof, was promulgated.

VIII. Challenges and difficulties

83. The Libyan Government reiterates its full commitment to respect and strengthen human rights. Libya strived assiduously to embed this commitment into the Constitutional Declaration, which was promulgated on 3 August 2011. Accordingly, the commitment to respect and protect human rights is addressed in its article 7. The Libyan Government has also repeatedly reaffirmed, in all international forums, its complete commitment to fulfil the undertakings into which it has entered in respect of all international human rights instruments and to continue to press ahead with efforts to promote and protect human rights and fundamental freedoms. However, the Government is facing significant security, political and economic challenges, and they are preventing it from achieving those goals. Those challenges are as follows:

- **The security and political crisis:** The national dialogue that is being led by UNSMIL must be brought to a successful conclusion in order to extricate the country from its present crisis, complete the drafting of a constitution and adopt it, and bring to a close the transitional stage.
- **Proliferation of weapons:** The repercussions of the war the Libyan people waged against the former regime continue to be felt to this day, particularly the proliferation of weapons. The State has not been able to collect the weapons that civilians have amassed because they are reluctant to surrender them on the grounds that they need them for personal protection. In addition, military groups and militias, some of which are ideologically affiliated with certain parties, can be used to revolt against the authorities, in case those parties do not succeed at the ballot box. This is what happened after the 2014 elections. The absence of functioning military and security institutions has resulted in a comprehensive lack of security. It is necessary to adopt a comprehensive national policy in order to control the proliferation of weapons and dissolve all armed groups operating outside State control.
- **Institution building:** A national plan to rebuild State institutions, particularly the Army, the law enforcement agencies and the judicial system, must be developed. In addition, better security must be provided to prosecutors and judges and for courts, in order to strengthen rule of law and prevent impunity.
- **Terrorism:** A comprehensive counter-terrorism strategy that addresses both the regional and international aspects of the issue must be developed in order

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to respond to the proliferation of terrorist and extremist groups and the grave human rights violations that they commit.

- **Transitional justice and national reconciliation:** The transitional justice system must be operationalized and efforts aimed at achieving national reconciliation must be resumed and put on the right track.
- **Detainees:** It is important to wrest control of all detention centres from the hands of armed groups and put them back under State control.
- **Return of internally and externally displaced persons:** A comprehensive strategy must be developed to enable these persons to return to their homes.
- **Revitalizing the economy:** Efforts must be made to decentralize the economy; strengthen the role that local councils play in ensuring the resumption of vigorous economic activity in Libya; and bring down employment among youth, who are joining armed groups because of a lack of meaningful work opportunities that can provide them with an alternative to bearing arms and fighting with those groups.
- Countering illegal migration: Addressing this issue requires the development of a comprehensive strategy, in cooperation with IOM, neighbouring States and the States of the European Union.

84. The Libyan Government is keenly aware that strengthening human rights and putting an end to human rights violations requires a concerted national effort to rebuild State institutions, re-establish security and enforce the law. It is also particularly important to implement an effective programme to disarm and demobilize individuals and properly reintegrate them into State institutions in the context of a development plan; step up efforts to build the Army and the police; and enhance national capacity to address the various challenges associated with such types of transnational crime as terrorism, smuggling in all its forms and illegal migration. At the same time, transitional justice efforts must continue and endeavours to achieve national reconciliation and social justice must be supported. Libya hopes that the international community and UNSMIL will continue to provide it with the technical support it needs to address challenges that are beyond the capacity of any single State on its own.

Conclusion

85. The Libyan Government would like to express its thanks to the Working Group on the Universal Periodic Review and reaffirm its commitment to strive to implement those recommendations it has accepted. In that connection, we call for a genuine partnership with all relevant international and civil society organizations, in order to give effect to and strengthen human rights in Libya.